U.S. Department of Justice

United States Attorney
Southern District of New York

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BY ECF
The Honorable Colleen McMahon
United States District Judge
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

Re: *Knight First Amendment Institute v. Central Intelligence Agency, et al.*, 22 Civ. 1542 (CM)

Dear Judge McMahon:

This Office represents the defendant agencies in this Freedom of Information Act (FOIA) case. We write jointly with counsel for plaintiff to provide a status report, as proposed in our January 24, 2025 status report, ECF No. 62, which the Court endorsed, ECF No. 63.

As detailed in previous letters, the processing of documents responsive to the FOIA request is complete, and the parties have been exchanging information in an effort to narrow issues for litigation. On February 21, the Department of Justice's Criminal Division (CRM) provided a draft Vaughn index for certain records that plaintiff identified. On February 28, plaintiff provided the government a list of documents that it may challenge from CRM, the Federal Bureau of Investigation, and DOJ's Office of Information Policy, along with questions about certain documents. Over the past week, the government has answered some of these questions and has also identified documents on plaintiff's list that have been described in public filings in a separate FOIA action so that plaintiff can evaluate that information.[1]

The parties' discussions have been productive and have significantly narrowed the issues for motion practice. However, some questions remain outstanding. The parties believe that it would be most efficient to spend one more week to conclude these discussions, rather than propose a summary judgment schedule today (as our January letter suggested), in order to fully understand the scope of the disputes that may remain. We therefore respectfully propose that the parties file a further status report within one week (by March 12) that will include a proposed briefing schedule for motions for summary judgment.

[1] As noted in earlier filings in this matter, the New York Times made a separate FOIA request that overlaps in scope with this request and filed a separate action challenging the FBI's response. *See New York Times v. DOJ*, 22 Civ. 1539 (JSR) (S.D.N.Y.). That matter has concluded. *See New York Times v. DOJ*, 681 F. Supp. 3d 132 (S.D.N.Y. 2023) (decision on cross-motions for summary judgment), *on reconsideration in part*, 2023 WL 7305242 (S.D.N.Y. Nov. 6, 2023).

We thank the Court for its attention to this matter.

Respectfully submitted,

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